

**UNITED STATES OF AMERICA
JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

CHAIRMAN:
Judge Wm. Terrell Hodges
United States District Court
Middle District of Florida

MEMBERS:
Judge John F. Keenan
United States District Court
Southern District of New York

Judge Bruce M. Selya
United States Court of Appeals
First Circuit

Judge Julia Smith Gibbons
United States Court of Appeals
Sixth Circuit

Judge D. Lowell Jensen
United States District Court
Northern District of California

Judge J. Frederick Motz
United States District Court
District of Maryland

Judge Robert L. Miller, Jr.
United States District Court
Northern District of Indiana

DIRECT REPLY TO:

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NOV 12 2003

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
DEPUTY

November 6, 2003

Bruce Rifkin, Clerk
215 William Kenzo Nakamura U.S. Courthouse
1010 Fifth Avenue
Seattle, WA 98104-1130

Re: MDL-1407 -- In re Phenylpropanolamine (PPA) Products Liability Litigation

(See Attached Schedule CTO-36)

Dear Mr. Rifkin:

I am enclosing one certified copy and additional copies of a conditional transfer order filed by the Panel in the actions listed on the attached schedule on October 21, 2003. The Panel's governing statute, 28 U.S.C. §1407, requires that the transferee clerk "...transmit a certified copy of the Panel's order to transfer to the clerk of the district court from which the action is being transferred." As stipulated in Rule 7.4(a) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435 (2001), transmittal of the order has been stayed 15 days to give any party an opportunity to oppose the transfer if they wish to do so. The 15-day period has now elapsed, no opposition was received, and the order is directed to you for filing.

A list of involved counsel is attached.

Very truly,

Michael J. Beck
Clerk of the Panel

By 

Deputy Clerk

Attachments

cc: Transferee Judge: Judge Barbara Jacobs Rothstein
Transferor Judges: (See Attached List of Judges)
Transferor Clerks: (See Attached List of Clerks)



01-MD-01407-ORD

PML Form 38

A CERTIFIED TRUE COPY

NOV -6 2003

ATTEST
FOR THE JUDICIAL PANEL OF
MULTIDISTRICT LITIGATION

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NOV 12 2003

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

OCT 21 2003

FILED
CLERK'S OFFICE

DOCKET NO. 1407

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION
IN RE PHENYLPROPANOLAMINE (PPA) PRODUCTS LIABILITY
LITIGATION

(SEE ATTACHED SCHEDULE)

CONDITIONAL TRANSFER ORDER (CTO-36)

On August 28, 2001, the Panel transferred eight civil actions to the United States District Court for the Western District of Washington for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. Since that time, 1,229 additional actions have been transferred to the Western District of Washington. With the consent of that court, all such actions have been assigned to the Honorable Barbara Jacobs Rothstein.

It appears that the actions on this conditional transfer order involve questions of fact which are common to the actions previously transferred to the Western District of Washington and assigned to Judge Rothstein.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the Western District of Washington for the reasons stated in the order of August 28, 2001, 173 F.Supp.2d 1377 (J.P.M.L. 2001), and, with the consent of that court, assigned to the Honorable Barbara Jacobs Rothstein.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Western District of Washington. The transmittal of this order to said Clerk shall be stayed fifteen (15) days from the entry thereof and if any party files a notice of opposition with the Clerk of the Panel within this fifteen (15) day period, the stay will be continued until further order of the Panel.

Inasmuch as no objection is
pending at this time, the
stay is lifted.

NOV 6 2003

CLERK'S OFFICE
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

FOR THE PANEL:

Michael J. Beck

Michael J. Beck
Clerk of the Panel

SCHEDULE CTO-36 - TAG ALONG CASES
DOCKET NO. 1407
IN RE PHENYLPROPANOLAMINE (PPA) PRODUCTS LIABILITY LITIGATION

DISTRICT DIV. CIVIL ACTION#

ILLINOIS SOUTHERN

~~ILS 3 03-615 Theresa Noud, et al. v. Chattem, Inc., et al. Opposed 11/05/03~~

MINNESOTA

MN 0 03-5244 Wilson J. Trent, Jr. v. Bayer Corp.
MN 0 03-5245 Sara J. Scott v. Novartis Pharmaceuticals Corp.
MN 0 03-5246 Estelle S. Smith v. Chattem, Inc.

MISSOURI EASTERN

~~MOE 4 03-1297 Barbara R. Gleich v. Thompson Medical Co., Inc., et al. Opposed 11/05/03~~

MISSISSIPPI NORTHERN

MSN 4 03-322 Lewis Hodges, et al. v. GlaxoSmithKline, Inc., et al.

MISSISSIPPI SOUTHERN

MSS 2 03-439 Martha J. Barnes v. Wyeth
MSS 2 03-440 Teresa Booth v. Wyeth, et al.
MSS 2 03-443 Bobbie Lee Hathorn v. Bayer Corp.
MSS 3 03-1028 E.J. Lockhart v. Wyeth, et al.
~~MSS 4 03-349 Charles Doug Ellis v. Wal-Mart Stores, Inc. Opposed 10/31/03~~

SOUTH CAROLINA

SC 2 03-3012 Louise Bryan v. Novartis Pharmaceuticals Corp., et al.

TEXAS SOUTHERN

TXS 4 03-3336 Roy Snyder v. Bayer Corp.
TXS 4 03-3368 Juan Leija, et al. v. Bayer Corp., et al.

TEXAS WESTERN

TXW 3 03-340 Jose Garcia, et al. v. Bayer Corp.
TXW 3 03-341 Ruben Garibay v. Bayer Corp.
TXW 5 03-673 Norma Hernandez, etc. v. Bristol-Myers Squibb Co.

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DOCKET NO. 1407
IN RE PHENYLPROPANOLAMINE (PPA) PRODUCTS LIABILITY LITIGATION

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DOCKET NO. 1407
IN RE PHENYLPROPANOLAMINE (PPA) PRODUCTS LIABILITY LITIGATION

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245 East Capitol Street
Jackson, MS 39201

Hon. Kathleen Cardone
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United States Courthouse
511 East San Antonio Avenue
El Paso, TX 79901

Hon. Michael J. Davis
U.S. District Judge
14E U.S. Courthouse
300 South Fourth Street
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U.S. District Judge
738 Warren E. Burger Federal Bldg.
316 North Roberts Street
St. Paul, MN 55101

Hon. Orlando L. Garcia
U.S. District Judge
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Hon. Kenneth M. Hoyt
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DOCKET NO. 1407
IN RE PHENYLPROPANOLAMINE (PPA) PRODUCTS LIABILITY LITIGATION

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